



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/741,265 10/30/96 SINGH H 11611.4US01

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LMC1/0228

EXAMINER

YAO, K

ART UNIT

PAPER NUMBER

2731

DATE MAILED: 02/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/741,265

Applicant(s)

Singh

Examiner

Kwang B. Yao

Group Art Unit

2731



☒ Responsive to communication(s) filed on Dec 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-12 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 6/29/98 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. It is suggested to resubmitted the copy of the listed patent and document.

Response to Arguments

2. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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4. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Kubler et al. (US 5,726,984).

Kubler et al. discloses a communication system comprising: a telephone 6323 depicted in Fig. 63 (a telephone); an interface unit in computer 6303 coupled to the telephone for receiving audio information from telephone 6323 (an interface unit); a output port coupled to PSTN 6327 for transmitting telephone voice communication (a first output port configured to be coupled to a standard switched telephone communication network); another port 6303 coupled to the Internet for transmitting voice packets information (a second output port configured to be coupled to an Internet communication network); computer for determining if the information routes to PSTN or Internet (a processing unit). See column 99-100.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

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and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al. (US 5,726,984).

Kubler et al. disclose the claimed limitations discussed above. Kubler et al. do not disclose the features of specific protocols, such as the claimed RAS, Q.931, H.24, RTCP. However, Examiner hereby taking the official notice that these features are so well known in the art and well within the level of skilled artisan. It would have been obvious to one of the ordinary skill in the art at the time of the invention to implement theses well known protocols, in order to provide an efficient data transmission system base upon the system specification and requirement for users.

Response to Arguments

7. Applicant's arguments filed 12/14/99 have been fully considered but they are not persuasive.

Regarding the IDS filed on June 25, 1998, Examiner will initial the 1449 form after the copy of the cited references are submitted.

Regarding the '280 patent, Examiner admits that it is a typo in the previous Office Action. This error is corrected in present Office action by patent of Kubler et al. (US 5,726,984).

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Applicants argues that the cited embodiment of the '984 patent does not teach or suggest that the claimed processing unit is adapted to determine whether to access the Internet in response to "audio-band" information sourced from a telephone (emphasis added). Examiner disagrees with this argument. This argued features are not recited in the rejected claims. Therefore, it is respectfully submitted that this argument is irrelevant.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is (703) 308-7583. The examiner can normally be reached on Monday through Friday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

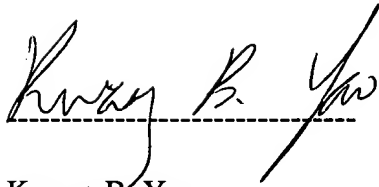
(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

A handwritten signature in cursive script, reading "Kwang B. Yao", is written over a horizontal dashed line.

Kwang B. Yao

Feb. 23, 2000